

**To:** "Belin, Letty" [Letty\_Belin@ios.doi.gov]; avid\_Nawi@ios.doi.gov[]  
**Cc:** []  
**Bcc:** []  
**From:** CN=Tom Hagler/OU=R9/O=USEPA/C=US  
**Sent:** Wed 1/5/2011 6:07:32 PM  
**Subject:** BDCP EIS and Permitting Effort On Hold  
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>  
<mailto:marshall@water.ca.gov>  
<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>  
<http://per2.nwp.usace.army.mil/survey.html>  
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

This is relevant to our discussion yesterday. DWR is suspending it's efforts on the EIS, on 404/408/401 permitting, and on state water board permitting, per the incoming from Paul Marshall at DWR to our Corps Regulatory counterparts.

As we discussed yesterday, this puts us on a path for sequential rather than synchronized decisions about Delta diversions and criteria.

As regulatory agencies which respond to applicants (as opposed to raising issues sua sponte), there is not a heck of a lot we, the Corps, or the Board can do about this.

Have a nice day! Have you gotten your first subpoena from the Hill yet?

----- Forwarded by Tom Hagler/R9/USEPA/US on 01/05/2011 10:02 AM -----

**From:** Erin Foresman/R9/USEPA/US  
**To:** michael.g.nepstad@usace.army.mil  
**Cc:** Tom Hagler/R9/USEPA/US@EPA, Karen Schwinn/R9/USEPA/US@EPA  
**Date:** 01/05/2011 08:45 AM  
**Subject:** Re: Fw: is this the status of the BDCP as you guys see it? (UNCLASSIFIED)

Hi Michael,

FYI, Karen let me know that the Nawi calls have not been cancelled, just suspended for the holidays. Apparently, someone reorganized the email list and EPA and Corps were not included in the new one. I cc'd Karen so she can follow up with you about getting back on the email list if necessary. Also, I included the email you just sent me from Paul Marshall about the DHCCP effort being on hold for about a year for Karen and Tom to see. Interesting message, thanks for sending it to me. I didn't realize they were ending work on permitting.

Thanks!

Erin

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

From: Marshall, Paul [mailto:marshall@water.ca.gov]  
Sent: Tuesday, January 04, 2011 2:49 PM  
To: Turner, Claire Marie SPK  
Cc: Nepstad, Michael G SPK  
Subject: RE: DHCCP Suspended? (UNCLASSIFIED)

Clair Marie,

I had expected someone from our management team to make an announcement to the BDCP steering Committee or the Executive Committee or something. That does not seem to be happening. So in absence of that announcement:

DHCCP and the BDCP as a whole have not moved forward to formalize a proposed project at this time. The financing available to work on the EIR/EIS and HCP is limited and is running low in comparison to what needs to be done. Because of this, management is regrouping and cutting efforts that are not essential to the completion of either the HCP or the EIR/EIS. Permitting is not essential to the completion of these efforts. While we will have people to offer our permitting perspective, the actual permitting effort will have to wait. To this end we are suspending permitting activities at this stage. The work is being collected and summed up in a short file to have others be able to pick it up and start where we leave off (I call it mothballing).

My estimate is about a year. It will take the remainder of 2011 to get the HCP and EIR/EIS leads on one page regarding the habitat and conveyance it needs for this program and get it evaluated in the appropriate draft documents. Once an agreement has been struck and documents drafted, additional financing may be available to continue with permitting as well as other tasks.

It has been a pleasure working with you. You have always been extremely professional and courteous to us and our consultants. I realize that BDCP contacts have been plentiful and the message may not have always been clear, but you have treated us with grace - and I, for one, appreciate it. I hope to work with you again someday.

At this point, after mothballing the 404, 408, 401, and water rights efforts and the associated modeling, I am returning to the Bay-Delta Office to work on other projects and water rights efforts. There is a good chance that another project manager will be tapped to head up DHCCP permitting once that effort is restarted.

I hope you have a wonderful new year.

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-----Tom Hagler/R9/USEPA/US wrote: -----

To: Karen Schwinn/R9/USEPA/US@EPA  
From: Tom Hagler/R9/USEPA/US  
Date: 01/04/2011 01:21PM  
cc: Erin Foresman/R9/USEPA/US@EPA  
Subject: Re: Fw: is this the status of the BDCP as you guys see it? (UNCLASSIFIED)

Hi Michael,

This is a good summary and it reflects the status of the BDCP to my knowledge. Thank you for producing it. I've cc'd Tom Hagler so he can add anything else he may know.

Are the teams addressing habitat restoration the same teams that are addressing monitoring? I recall a meeting that I could not attend, but was attended by EPA scientist Paul Jones, regarding monitoring. It would be helpful to know if that effort is still moving forward. At the last IEP directors meeting, the topic of poor coordination with BDCP and the expectation that EIP would function as its monitoring program was discussed at length. It is probably worth noting that other, related but not dependent, efforts are moving forward such as the Dutch Slough Project and potentially restoration efforts in the Yolo Bypass like the Lower Yolo Tidal Wetland Restoration Project and long term planning from MWD on Conaway Ranch.

Thanks again!

Erin

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<http://www.epa.gov/region9/water/watershed/sfbay-delta/index.html>

-----"Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil> wrote: -----

To: Erin Foresman/R9/USEPA/US@EPA  
From: "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>  
Date: 01/04/2011 08:37AM  
Subject: is this the status of the BDCP as you guys see it? (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

Status of BDCP is they currently in holding pattern.

Here's what I have been able to piece together from various sources:

DOI: The work on the EIS/EIR ceased in mid 2010. It may start again in May of 2011.

DOI: The Monday afternoon coordination calls with David Nawi are no-longer being done. Nawi and others are focusing all of time and effort into the current OCAP section 7 USFWS Biological opinion, which recently suffered a

partial loss in court and needs redoing. The Federal Agency coordination calls will begin again at some point in the future.

DWR: The State is suspending their engineering designs and permitting (what we needed for our permit review processes) on the BDCP until March, DWR staff which were working on the BDCP as part of the DHCCP are being reassigned. The State's contractor, HDR, is on standby.

SWC: The State Water Contractors are not holding Steering committee meetings in January.

I was unable to find out if the work on the HCP is continuing or has also been suspended.

Teams working on habitat restoration components may be continuing their work. I have a call on Thursday with one of those teams and will hopefully learn more.

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